

## **Title 159 - STATE FIRE MARSHAL**

### **Chapter 8 - REPORTING OF RELEASES AND SUSPECTED RELEASES**

#### **001. REPORTING OF RELEASES AND SUSPECTED RELEASES.**

Owners and operators of UST systems must report to the State Fire Marshal and follow the procedures in §003 of this chapter for any of the following conditions:

**001.01.** The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).

**001.02.** Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced; and,

**001.03.** Monitoring results from a release detection method required under §§002 and 003 in Chapter 7, that indicate a release may have occurred unless:

**001.03A.** The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or

**001.03B.** In the case of inventory control, a second month of data does not confirm the initial result.

#### **002. INVESTIGATION DUE TO OFF-SITE IMPACTS.**

When required by the State Fire Marshal or Department of Environmental Quality, owners and operators of UST systems must follow the procedures in §003 below to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the State Fire Marshal or Department of Environmental Quality or brought to their attention by another party.

#### **003. RELEASE INVESTIGATION AND CONFIRMATION STEPS.**

Unless corrective action is initiated in accordance with Department of Environmental Quality regulations, owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under 001 of this chapter within 7 days, or another reasonable time period specified by the State Fire Marshal, using either the following steps or another procedure approved by the State Fire Marshal:

**003.01. System test.** Owners and operators must conduct tests (according to the requirements for tightness testing in §004.03 and §005.02 in Chapter 7) that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping, or both.

**003.01A.** Owners and operators must repair, replace or upgrade the UST system, and begin corrective action in accordance with Department of Environmental Quality regulations if the test results for the system, tank, or delivery piping indicate that a leak exists.

**003.01B.** Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

**003.01C.** Owners and operators must conduct a site check as described in §003.02 below if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

**003.02. Site check.** Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of ground water, and other factors appropriate for identifying the presence and source of the release. At a minimum, § 003.03 of Chapter 10 of this Code shall be used to comply with the requirements of this section.

**003.02A.** If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators must begin corrective action in accordance with Department of Environmental Quality regulations;

**003.02B.** If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

#### **004. REPORTING AND CLEANUP OF SPILLS AND OVERFILLS.**

**004.01.** Owners and operators of UST systems must contain and immediately clean up a spill or overflow and immediately report to the State Fire Marshal and Department of Environmental Quality and begin corrective action in accordance with Department of Environmental Quality regulations in the following cases:

**004.01A.** Spill or overflow of petroleum that results in a release to the environment that exceeds 25 gallons or that causes a sheen on nearby surface water; and

**004.01B.** Spill or overflow of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR 302).

**004.02.** Owners and operators of UST systems must contain and immediately clean up a spill or overflow of petroleum that is less than 25 gallons, and a spill or overflow of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, owners and operators must immediately notify the State Fire Marshal.

[**Note:** A release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately to the National Response Center under sections 102 and 103 of the CERCLA and to appropriate state and local authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986.]

#### **005. RELEASE RESPONSE AND CORRECTIVE ACTION.**

Confirmed or suspected releases of regulated substances from any tank must be reported to the State Fire Marshal and the Department of Environmental Quality within 24 hours by the owner or the person in charge of the tank. The State Fire Marshal and the Department of Environmental Quality can be contacted at their offices during normal working hours, and at (402) 471-4545 after hours.

**005.01.** The State Fire Marshal shall determine the immediate danger presented by the release and shall take any steps necessary to assure immediate public safety.

**005.02.** The State Fire Marshal shall assist the Department of Environmental Quality in determining the source of the release and ensuring that the release is halted.